

Serial No. 08/645,073
Group Art Unit: 2161
Examiner: Elisca, P.

which was presented in the earlier application after final rejection or closing of prosecution but was denied entry because (A) new issues were raised that required further consideration and/or search.”

The Amendment After Final Rejection filed on April 18, 2001, contained claim amendments that resulted in the Advisory Action dated April 27, 2001, which states that the Amendment After Final Rejection will not be entered because it raises new issues which would require further search and/or consideration. Therefore, a CPA was filed on May 17, 2001, requesting entry of the non-entered Amendment, which resulted in the outstanding first Office action final rejection.

Therefore, in view of the above, the first Action final rejection is improper, and withdrawal of the finality of the Action is respectfully requested.

Second, MPEP 707.07(f) states that, “Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant’s argument and answer the substance of it.”

The previously filed Amendment (entered with CPA filed on May 17, 2001), contained new claim amendments patentably distinguishing over the cited references. In response, the outstanding final Action repeats the exact same rejections set forth in the previous Office Action dated January 17, 2001. The only mention of the newly made amendments appear on page 4, which states, “Based on the Applicant’s amendment filed 4/19/2001 or amendment L, Applicant adds limitations as follow: content medium; self contained computer readable medium; and determine present time. or period of time. Please note that these limitations have been disclosed by both McMullan as specify hereinabove and the office action mailed on 01/17/2001, page 2-4.”

The remarks as specified “hereinabove” in the outstanding Action are identical to the remarks in the Office Action mailed on 1/17/2001, but do not address the newly added limitations. The substance of the new limitations and the accompanying remarks filed in the previously filed Amendment are unanswered. The outstanding Office Action does not point out or even discuss where “a period reader reading a period stored on an individual self contained computer readable content medium, the content medium indicating a period of time during which a content on the

content medium can be served" (as recited for example in claim 1) is found in the cited references. Therefore, the outstanding final Office Action is incomplete

Therefore, in view of the above reasons, the Applicant requests a new non-final Office Action, addressing the substance of the arguments presented below (which were presented in the previously filed Amendment).

III. REJECTION OF CLAIMS 1-25 UNDER 35 U.S.C. ' 102(b)

Claims 1-25 are rejected under 35 U.S.C. ' 102(b) as being anticipated by McMullan, Jr et al, U.S. Patent No. 5,255,086 (Hereinafter "McMullan '086"), or McMullan, Jr et al., U.S. Patent No. 5,142,690 (Hereinafter "McMullan '690").

In the previously filed Amendment, the Applicant presented the following remarks:

In order to clarify the claimed invention, claim 1 is amended to recite, "a period reader reading a period stored on an individual self contained computer readable content medium, the content medium indicating a period of time during which a content on the content medium can be served . . ."

An "individual self contained computer readable content medium . . ." distinguishes the present invention from the cited references. In the cited references, the actual content and the time period for serving that content are stored on different entities. In fact, in the cited references, the content may originate from an entirely different location than the period to serve the content. Therefore, the entire serving system of the references is not an individual self contained computer readable content medium. In fact, a server itself contains electronics and other parts and is not a computer readable content medium. The present invention, as claimed, is beneficial over what is disclosed by the references in that, in one embodiment, for example, a particular content (i.e. a program) may be released by the producers while being ensured that the program will be served only during a particular time period. In contrast, in the cited references, since content (i.e. a movie) is stored separately from any respective time periods, the owners of the content may not have direct control over when the content is served. The individual self contained computer readable content medium that stores a movie in the cited references does not also store the serving time for that movie.

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Therefore, in view of the distinctions between amended claim 1 and the cited references, it cannot be said that claim 1 is now anticipated by the references. For the references to anticipate claim 1, an actual movie itself would have to be stored on a computer readable storage medium along with a serving period for that movie. This obviously cannot be the case, since in the references, serving periods of the movies vary according to choices made by the distributor, as typically, movies used by such systems are "re-used."

In response, the outstanding Office Action merely replies, "Based on the Applicant's amendment filed 4/19/2001 or amendment L, Applicant adds limitations as follow: content medium; self contained computer readable medium; and determine present time. or period of time. Please note that these limitations have been disclosed by both McMullan as specify hereinabove and the office action mailed on 01/17/2001, page 2-4."

As stated above in Section II of this Amendment, the outstanding Office Action and the Office Action mailed on 1/17/2001 contain the identical remarks, and do not address the amendments discussed above in boldface.

The McMullan '086 and McMullan 690 references, as discussed above, store the content period separately from the actual content itself. This is in contrast to claim 1, which recites in part that a "period stored on an individual self contained computer readable content medium."

The Applicant cannot accept the Examiner's reply, as it does not address the substance of the amendments or point out where in the cited references the new features can be found. The Applicant maintains that the present claims are clearly not anticipated by the cited reference(s). Therefore, the Applicant respectfully requests the Examiner to either: (1) point out where in the cited references the above-discussed feature is disclosed; (2) produce a new reference disclosing the above-discussed feature; or (3) issue a Notice of Allowance.

The remaining independent claims 4, 9, 10, 12-25, in view of the above, are also not anticipated by the cited references..

In view of the above, withdrawal of the rejections of claims 1- 25 is respectfully requested.

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IV. CONCLUSION

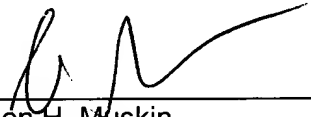
In view of the above, it is respectfully submitted that the above-referenced application is in condition for allowance, which action is earnestly solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Dated: 10-10-07

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

None of the claims are amended below. Nevertheless, for the convenience of the Examiner, all of the pending claims are reproduced below:

1. (THREE TIMES AMENDED) A terminal comprising:
a period reader reading a period stored on an individual self contained computer readable content medium, the content medium indicating a period of time during which a content on the content medium can be served;
a present time data generator generating present time data indicating a present time;
a comparator comparing the period of time with the present time; and
a server serving the content when said comparator judges that the present time falls within the period of time.
4. (THREE TIMES AMENDED) A sales system comprising:
a terminal comprising:
a period reader reading a period stored on a self contained independent computer readable content medium indicating a period of time during which a content can be served by submitting a request to a center;
a present time generator for generating present time data indicating a present time;
a comparator comparing the period of time with the present time; and
a requestor submitting a request to a center for obtaining use of the content when said comparator judges that the present time falls within the period of time; and
the center comprising:
a key supplier supplying said terminal with a key for unlocking the content when the present time falls within the period of time.
5. (TWICE AMENDED) A sales system according to claim 4, wherein said center further comprises a database registered with the period of the content.

9. (FOUR TIMES AMENDED) A self contained computer readable storage medium which contains content, an interval period concerning the content, and a program executed by a computer,

wherein said program:

reads the period;

generates present time data indicating a present time;

compares the period with the present time;

judges that the present time data falls within said period or falls outside the period;

and

allows access to the content if the judging determines the present time data falls within said period.

10. (THREE TIMES AMENDED) A self contained computer readable storage medium including both content and an interval period concerning the content, the storage device is accessed by a computer,

wherein said computer:

reads the period;

generates present time data indicating a present time;

compares the period with the present time;

judges that the present time data falls within the period or falls outside of said

period; and

allows access to the content if the judging determines the present time data falls within said period..

12. (THREE TIMES AMENDED) A self-contained computer-readable medium encoded with a computer program which performs the following functions:

reads an interval period, stored on the computer-readable medium, indicating a period of time during which content on the disk can be served;

generates present time data indicating a present time;

compares the period with the present time;

judges that the present time falls within the period or falls outside of said period; and allows access to the content if the judging determines the present time data falls within said period.

13. (FOUR TIMES AMENDED) A terminal comprising:
a reading device which reads an interval period, stored on a self contained computer readable content medium indicating a period of time during which content stored on the content medium can be served;
a clock for indicating a present time;
a comparator which determines if the present time falls within the period of time; and
a server which serves content on the content medium when the comparator determines that the present time falls within the period of time.

14. (TWICE AMENDED) A sales system comprising:
a self contained independent computer readable content medium storing a locked content and an interval period for the locked content;
a center which provides a key to unlock the locked content when a present time falls within the period;

15. (FOUR TIMES AMENDED) A method for ascertaining a sales period exists, said method comprising:
reading an interval period stored on a self contained independent computer readable medium indicating a serving period of time;
generating present time data indicating a present time;
comparing the period stored on the medium with the present time to judge whether said present time falls within the period of time; and
serving content stored on the medium if the comparing determines that the present time falls within the period of time.

16. (TWICE AMENDED) A storage device readable by a computer comprising:
a storer storing a content on a self contained independent computer readable storage medium, the medium including an interval period concerning the content and a program executed by the computer, wherein said program:
reads the period;
generates present time data indicating a present time;
compares the period with the present time;
an accessor accessing said program; and
a server serving the content when the period is compared with the present time and it is determined that the present time falls within said period.

17. (THREE TIMES AMENDED) A self contained independent computer readable storage medium comprising:
a content stored on the medium assessable by a user via a computer;
period data stored with the content on the medium indicating an interval period of time during which the content can be accessed by the user;
a program which causes the computer to refuse access to the content by the user if a present date falls outside of the period of time indicated by the period data; and
a serving unit to serve the content when said program does not cause the computer to refuse access to the content.

18. (TWICE AMENDED) A computer-readable storage medium encoded with a computer program which performs the following operations:
reads a period, stored on a disk, indicating an interval period of time during which a content on the disk can be served;
generates present time data indicating a present time;
compares the period with the present time; and
transforms a result of said comparison to data reflecting that a user is allowed to utilize the content, when the present time falls within the period; and

serves the content when said comparing step determines that said present time falls within said period.

19. (THREE TIMES AMENDED) A method for ascertaining a sales period exists, said method comprising:

- reading a period stored on a self contained computer readable storage medium indicating an interval period of time;

- generating present time data indicating a present time;

- comparing the period stored on the medium with the present time to judge whether said present time falls within the period; and

- serving content stored on the medium storing the period to a storage medium when said comparing determines that said present time falls within said period.

20. (ONCE AMENDED) A terminal comprising:

- a period reader reading a period stored on a self contained independent content medium indicating a period of time during which a content stored directly on the content medium released to end users can be served;

- a present time data generator generating present time data indicating a present time;

- a comparator comparing the period of time with the present time; and

- a server serving the content when said comparator judges that the present time falls within the period of time.

21. (ONCE AMENDED) A terminal comprising:

- a period reader reading a period stored on a self contained independent content medium indicating a period of time during which a content stored directly on the content medium can be served;

- a present time data generator generating present time data indicating a present time;

- a comparator comparing the period of time with the present time; and

- a requesting unit requesting a service of the content when said comparator judges that the present time falls within the period of time.

22. (ONCE AMENDED) An independent self contained computer readable storage medium released to end users which contains content, an interval period concerning the content, and a program executed by a computer, wherein said program:

- reads the period directly from the storage medium;
- generates present time data indicating a present time;
- compares the period with the present time;
- judges that the present time data falls within said period or falls outside the period; and
- allows access to the content if the judging judges that the present time falls within said period.

23. (ONCE AMENDED) A self contained computer readable storage medium readable by a computer comprising:

- a storer storing a content on the medium including an interval period concerning the content and a program executed by the computer, wherein said program:

- reads the period;
 - generates present time data indicating a present time; and
 - compares the period with the present time;
- an accessor accessing said program; and
- a requesting unit requesting service of the content when the period is compared with the present time and it is determined that the present time falls within said period.

24. (ONCE AMENDED) A computer-readable storage medium encoded with a computer program which performs the following operations:

- reads a period, stored on a disk, indicating an interval period of time during which a content on the disk can be served;
- generates present time data indicating a present time;
- compares the period with the present time; and
- transforms a result of said comparison to data reflecting that a user is allowed to utilize the content, when the present time falls within the period; and

requests the content when said comparing step determines that said present time falls within said period.

25. (ONCE AMENDED) A method for ascertaining a sales period exists, said method comprising:

reading a period stored on a self contained computer readable storage medium indicating an interval period of time;

generating present time data indicating a present time;

comparing the period stored on the storage medium with the present time to judge whether said present time falls within the period; and

requesting content stored on the storage medium when said comparing determines that said present time falls within said period.